
(Party or Attorney Name)

(Address)

(City, State, Zip)

(Telephone)

(Bar Number of Attorney)

District Justice Court of the State of Utah

_____ Judicial District

_____ County

_____ City

Court Address: _____

Plaintiff,

v.

Defendant.

Writ of Garnishment and Instructions

Case Number: _____

Judge: _____

The _____ court of the state of Utah to (name) _____,
garnishee, at (address) _____:

1. Under Utah Code Section 78-7-44, the plaintiff should have included with this Writ of Garnishment a fee to you of \$10. If the fee was not included, sign here and return the forms to the plaintiff (or plaintiff's attorney). _____

2. A judgment for \$_____ has been entered against the defendant, and the defendant still owes \$_____. Papers filed with the court show that you may possess or control some of the defendant's property. (Property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. You are the garnishee, (holder of the property) and you are required to take certain steps to deliver the property or to hold and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.

3. The judgment debtor is:

Name:_____

Address:_____

Social security number (Last 4 digits only, if known):_____

Driver's license number and state of issuance (if known):_____

Date of birth (if known):_____

(4) Within 7 business days after this writ is served on you, you must:

(A) answer the attached Interrogatories under oath or affirmation;

(B) file with the clerk of the court your original Answers to the Interrogatories.

(C) serve a copy of your Answers to the Interrogatories on the plaintiff (or plaintiff's attorney);

(D) serve a copy of the following papers on the defendant and on any other person shown by your records to have an interest in the property. The papers to be served are:

- one copy of this Writ of Continuing Garnishment;
- one copy of your Answers to the Interrogatories;
- one copy of the Notice of Garnishment and Exemptions form; and

- two copies of the Reply and Request for Hearing form.

(5) You may serve the court, the plaintiff (or plaintiff's attorney), the defendant and any other person by hand delivery or by first class mail. The address of the clerk of court and plaintiff (or plaintiff's attorney) are at the top of the first page of this writ.

(6) What to do with the property.

(A) You are to withhold from the defendant the amount shown in your Answers to the Interrogatories. You are to hold the property for 20 calendar days after you serve the defendant.

(B) If you do not receive from the defendant a Reply and Request for Hearing within 20 days after serving the defendant, you are to deliver the property to the plaintiff (or plaintiff's attorney). You are then relieved from any liability unless it is shown that your Answers to the Interrogatories are incorrect. **DO NOT SEND THE PROPERTY TO THE COURT.**

(C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.

(7) If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.

(8) You may deliver to the defendant in the normal course any property greater than you are required to withhold.

(9) Multiple Writs of Garnishment for the same defendant may be served on you, but only one Writ of Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Garnishment expires or is satisfied, you must then satisfy the next writ. However, a Writ of Continuing Writ of Garnishment and Instructions

Form approved: April 15, 2005

Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first. Also, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues indefinitely until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by other courts or governmental agencies.

Clerk of the Court

Date: _____

By: _____

Deputy Clerk